

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICHI BRIONES,

Plaintiff

v.

GITTERE,

Defendant

Case No. 3:20-cv-00334-MMD-CLB

ORDER

I. DISCUSSION

On June 2, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted an incomplete application to proceed *in forma pauperis* and a motion for appointment of counsel. (ECF Nos. 1, 1-1). Plaintiff has not filed a complaint or fully complete application to proceed *in forma pauperis* on this Court’s approved form.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff until **August 7, 2020** to submit a complaint to this Court.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

1 The Court will grant Plaintiff a **one-time** opportunity to file a complaint and a fully
 2 complete application to proceed *in forma pauperis* containing all three of the required
 3 documents, or in the alternative, pay the full \$400 filing fee for this action on or before
 4 **August 7, 2020**. Absent unusual circumstances, the Court will not grant any further
 5 extensions of time. If Plaintiff is unable to file a complaint and a fully complete application
 6 to proceed *in forma pauperis* with all three required documents or pay the full \$400 filing
 7 fee on or before **August 7, 2020**, the Court will dismiss this case without prejudice for
 8 Plaintiff to file a new case with the Court when Plaintiff is able to file a complaint and able
 9 to acquire all three of the documents needed to file a fully complete application to proceed
 10 *in forma pauperis* or pay the full \$400 filing fee. To clarify, a dismissal without prejudice
 11 means Plaintiff does not give up the right to refile the case with the Court, under a new
 12 case number, when Plaintiff is able to file a complaint and has all three documents needed
 13 to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may
 14 choose not to file an application to proceed *in forma pauperis* and instead pay the full
 15 filing fee of \$400 on or before **August 7, 2020** to proceed with this case.

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that Plaintiff will submit a complaint to
 18 this Court on or before **August 7, 2020**.

19 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
 20 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

21 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
 22 approved form application to proceed *in forma pauperis* by an inmate, as well as the
 23 document entitled information and instructions for filing an *in forma pauperis* application.

24 IT IS FURTHER ORDERED that on or before **August 7, 2020**, Plaintiff will either
 25 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
 26 administrative fee) or file with the Court:

27 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this

28 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two

1 signatures on page 3),

2 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
3 official (i.e. page 4 of this Court's approved form), and

4 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
5 **previous six-month period.**

6 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully
7 complete application to proceed *in forma pauperis* with all three documents or pay the full
8 \$400 filing fee for a civil action on or before **August 7, 2020**, the Court will dismiss this
9 action without prejudice for Plaintiff to refile the case with the Court, under a new case
10 number, when Plaintiff is able to file a complaint and has all three documents needed to
11 file a complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

12 DATED: June 8, 2020.

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14 UNITED STATES MAGISTRATE JUDGE
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